

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following remarks is respectfully requested.

Claims 26-49 remain active in this, Claim 49 having been amended and non-elected Claims 1-25 canceled by the present amendment.

In the outstanding Official Action, the prior grounds for rejection were withdrawn, and Claims 26-49 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-24 of U.S. Patent No. 6,704,081.

First, it is noted that Claim 49 has been amended to correct a minor informality. No new matter has been added.

In light of the outstanding double patenting rejection, and in order to expedite issuance of a patent from the present application, submitted herewith is a duly executed Terminal Disclaimer relative to the cited U.S. Patent No. 6,704,081. In filing this terminal disclaimer, Applicants are mindful of, and rely on, the holding in *Quad Environmental Technologies Corp. v. Union Sanitary District* 20 USPQ2d 1392, 1394-1395 (Fed. Cir. 1991) that "... the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection."

Consequently, in light of the above comments and in view of the Terminal Disclaimer filed herewith, no further issues are believed to be outstanding, and the present application is

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believed to be in condition for formal allowance. An early and favorable action to that effect
is respectfully requested.

Respectfully submitted,

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